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			BOYCE, ANDRE D	
			ART UNIT	PAPER NUMBER
			3623	

DATE MAILED: 09/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/774,562	KIPLING, DEBBIE
	Examiner	Art Unit
	Andre Boyce	3623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 07 July 2005.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-37 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-37 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date: _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date: _____	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

DETAILED ACTION

Response to Amendment

1. This Non-Final office action is in response to Applicant's amendment filed July 7, 2005. Claims 1, 5, 8-12, 15, 17, and 18 have been amended. Claims 21-37 have been added. Claims 1-37 are pending.
2. The previously pending rejections to claims 18 and 19 under 35 U.S.C. 112, second paragraph have been withdrawn.
3. Applicant's arguments with respect to claims 1-37 have been considered but are moot in view of the new ground(s) of rejection.

Claim Objections

4. Claims 28-30 and 34-36 are objected to because of the following informalities: The claims begin "The method of..." but are not dependent upon independent method claims (i.e., claims 11 and 17). Appropriate correction is required.

Claim Rejections - 35 USC § 101

5. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.
6. Claims 1, 3, 12, 21, and 33 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

The basis of this rejection is set forth in a two-prong test of:

- (1) whether the invention is within the technological arts; and
- (2) whether the invention produces a useful, concrete, and tangible result.

For a claimed invention to be statutory, the claimed invention must be within the technological arts. Mere ideas in the abstract (i.e., abstract idea, law of nature, natural phenomena) that do not apply, involve, use, or advance the technological arts fail to promote the "progress of science and the useful arts" (i.e., the physical sciences as opposed to social sciences, for example) and therefore are found to be non-statutory subject matter.

For a process claim to pass muster, the recited process must somehow apply, involve, use, or advance the technological arts. In the present case the independent claims 1 and 12 recite "electronically displaying a summary of action taken on the order request during each processing stage." This is merely a nominal recitation of technology and does not overcome the technological arts rejection.

As to technological arts recited in the preamble, mere recitation in the preamble (i.e., intended or field of use) or mere implication of employing a machine or article of manufacture to perform some or all of the recited steps does not confer statutory subject matter to an otherwise abstract idea unless there is positive recitation in the claim as a whole to breathe life and meaning into the preamble. Further, generating a display and prompting a client, etc., are considered nominal recitations of technology in the claim, and do not overcome the rejection.

Additionally, for a claimed invention to be statutory, the claimed invention must produce a useful, concrete, and tangible result. In the present case independent claims 1 and 12 notify a supplier, client, or suggested worker of the candidate submission or approval, thereby producing a useful, concrete, and tangible result, but not within the technological arts as explained above.

Claim Rejections - 35 USC § 103

7. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
8. Claims 1-9, 12-24, and 31-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kurzius et al, in view of Tracey et al (USPN 6,798,413).

As per claim 1, Kurzius et al disclose a computer-implemented method for ordering workers for a client (system 10 for automated candidate recruiting and processing, figure 1), comprising: receiving an order request including criteria identifying qualifications for a worker (job posting, including candidate qualifications is received from employer 1304, figure 13), wherein the order request is processed in a number of stages (i.e., process by which new postings can be created and registered by an employer, column 14, lines 55-56); notifying a supplier of the order request (i.e., recruiter is notified that a new job posting has been entered 1308, figure 13); receiving at least one candidate submission from the notified supplier, including information identifying a suggested worker intended to satisfy the order request (i.e., candidate profiles that match job criteria, 1312, figure 13); forwarding

information corresponding to the candidate submission to the client for review (employer informed of the ranked matchings 1314, column 15, lines 51-56); receiving from the client a candidate approval associated with the suggested worker (i.e., candidate profile is updated with indicated interest or feedback 1110, figure 11); and notifying the supplier of the candidate approval (i.e., recruiter is notified that interest has been indicated by employer, 1112, figure 11).

Kurzius et al does not explicitly disclose displaying a summary of action taken on the order request during each processing stage. Tracey et al disclose managers able to graphically determine who is responsible for a project at any stage and the system displaying status information derived from a database and updated as work is performed (column 3, lines 1-6). Further, Tracey et al disclose applications for the features described in a variety of workflow contexts, including tracking and managing of tasks (column 5, lines 49-56), therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to include a summary report display component in Kurzius et al, as seen in Tracey et al, as an efficient manner of tracking the status of the job posting process.

As per claims 2 and 13, Kurzius et al disclose generating a display screen including a selectable template identifying predetermined qualification criteria of a worker (i.e., job posting form 1800, used to specify desired candidate qualifications, figure 18); prompting the client to complete the order request using the selectable template; and including in the order request the predetermined qualification criteria

included in the selectable template (i.e., job posting form is presented to the employer for entry of job description 1302, column 14, lines 57-59).

As per claim 3, Kurzius et al disclose selecting from a database, based on the qualification criteria included in the received order request, a particular supplier; and notifying the particular supplier of the order request (i.e., recruiter is notified based upon the qualifications of a particular candidate, column 14, lines 28-31).

As per claims 4 and 14, Kurzius et al disclose notifying the client of the suggested worker by automatically generating and sending an electronic mail message to the client (i.e., employer informed of the ranked matching depending on the notification scheme that has been selected, including e-mail, column 15, lines 51-56 and column 5, lines 28-32).

As per claims 5, 15, 22, 31, and 34, Kurzius et al disclose determining the current stage of the order request (i.e., which step of the process the job posting is currently at, figure 13). Kurzius et al does not disclose generating a first display screen including status display components associated with each stage of the order request; and modifying each status display component to reflect the current stage of the order request. Tracey et al disclose managers able to graphically determine who is responsible for a project at any stage and the system displaying status information derived from a database and updated as work is performed (column 3, lines 1-6). Further, Tracey et al disclose applications for the features described in a variety of workflow contexts, including tracking and managing of tasks (column 5, lines 49-56), therefore it would have been obvious to one having ordinary skill in the art at the

time the invention was made to include a status display components associated with each stage of the order request; and modifying each status display component in Kurzius et al, as seen in Tracey et al, as an efficient manner of tracking the status of the job posting process.

As per claims 6, 16, 23, 32, and 35, Kurzius et al does not explicitly disclose the status display components correspond to a series of bars equal to the number of stages, the method further comprising: highlighting the number of bars corresponding to the current stage. Tracey et al disclose managers able to graphically determine who is responsible for a project at any stage and the system displaying status information derived from a database and updated as work is performed (column 3, lines 1-6). Further, Tracey et al disclose a display generator that creates colored bars or other visually identifiable symbols on a display screen that symbolizes output and status (column 6, lines 47-49). In addition, Tracey et al disclose applications for the features described in a variety of workflow contexts, including tracking and managing of tasks (column 5, lines 49-56), therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to include a status display components correspond to a series of bars equal to the number of stages in Kurzius et al, as seen in Tracey et al, as an efficient manner of tracking the status of the job posting process.

As per claim 7, Kurzius et al disclose generating a display screen including a listing of order requests associated with a particular user (i.e., the employer database and job posting database are updated to reflect the addition of a new job

posting 1306, figure 13); and associating with each order request listed in the second display screen the corresponding status display component (i.e., which step of the process the job posting is currently at, figure 13).

As per claims 8, 24, 33, and 36, Kurzius et al does not explicitly disclose displaying, for each processing stage, text of an electronic mail sent to a user associated with the order request. However, Kurzius discloses a variety of communication and notification methods, including electronic mail (column 14, lines 28-32). In addition, Tracey et al disclose managers able to graphically determine who is responsible for a project at any stage and the system displaying status information derived from a database and updated as work is performed (column 3, lines 1-6). Further, Tracey et al disclose applications for the features described in a variety of workflow contexts, including tracking and managing of tasks (column 5, lines 49-56), therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to include a status display components correspond to a series of bars equal to the number of stages in Kurzius et al, as seen in Tracey et al, as an efficient manner of tracking the status of the job posting process.

As per claim 9, Kurzius et al disclose computer-implemented method of ordering workers using a network (system 10 for automated candidate recruiting and processing, figure 1), comprising: providing an interface in the network for clients to obtain workers from a supplier of workers (i.e., employer client 60 operating using computer 80, which includes output device 84, figures 1 and 2); permitting clients to

have access to the interface to specify order requests identifying an order for workers (i.e., requesting candidates via computer 80), the order request including criteria identifying qualifications for a worker (i.e., candidate qualifications), wherein the order request is processed in a number of stages (i.e., process by which new postings can be created and registered by an employer, column 14, lines 55-56); permitting the supplier to have access to the order request based on the qualification criteria (i.e., recruiter is notified that a new job posting has been entered 1308, figure 13); and receiving at least one candidate submission from the supplier, including information identifying a suggested worker intended to satisfy the order request (i.e., employer is informed of the ranked matching 1314, figure 13).

Kurzius et al does not explicitly disclose displaying a summary of action taken on the order request during each processing stage. Tracey et al disclose managers able to graphically determine who is responsible for a project at any stage and the system displaying status information derived from a database and updated as work is performed (column 3, lines 1-6). Further, Tracey et al disclose applications for the features described in a variety of workflow contexts, including tracking and managing of tasks (column 5, lines 49-56), therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to include a summary report display component in Kurzius et al, as seen in Tracey et al, as an efficient manner of tracking the status of the job posting process.

As per claim 12, Kurzius et al disclose computer-implemented method for ordering workers for a client (system 10 for automated candidate recruiting and

processing, figure 1), comprising: receiving from the client an order request including criteria identifying qualifications for a worker (job posting, including candidate qualifications is received from employer 1304, figure 13) wherein the order request is processed in a number of stages (i.e., process by which new postings can be created and registered by an employer, column 14, lines 55-56); selecting candidate information from a database based on the identified qualification criteria in the order request, wherein the selected candidate information includes information identifying a suggested worker intended to satisfy the order request (i.e., candidate profile information in database server 30 that matches job criteria 1312, figure 13); forwarding the candidate information to the client for review (i.e., employer informed of ranked candidates 1314, figure 13); receiving from the client a candidate approval associated with the suggested worker; and notifying the suggested worker of the approval (i.e., notification that interest has been received from employer, including emailing the candidate, column 14, lines 28-32).

Kurzius et al does not explicitly disclose displaying a summary of action taken on the order request during each processing stage. Tracey et al disclose managers able to graphically determine who is responsible for a project at any stage and the system displaying status information derived from a database and updated as work is performed (column 3, lines 1-6). Further, Tracey et al disclose applications for the features described in a variety of workflow contexts, including tracking and managing of tasks (column 5, lines 49-56), therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to include a

summary report display component in Kurzius et al, as seen in Tracey et al, as an efficient manner of tracking the status of the job posting process.

Claim 17 is rejected based upon the rejection of claim 12, since it is the computer program claim corresponding to the method claim.

Claim 18 is rejected based upon the rejection of claims 5 and 6, since it is the interface claim corresponding to the method claims.

As per claim 19, Kurzius et al does not disclose, a summary report display component displaying order identification information, the status display component, and information identifying an amount of time elapsed for each stage of the order request. Tracey et al disclose managers able to graphically determine who is responsible for a project at any stage and the system displaying status information derived from a database and updated as work is performed (column 3, lines 1-6). Further, Tracey et al disclose a display generator that creates colored bars or other visually identifiable symbols on a display screen that symbolizes output and status. In addition, Tracey et al disclose applications for the features described in a variety of workflow contexts, including tracking and managing of tasks (column 5, lines 49-56), therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to include a status display components correspond to a series of bars equal to the number of stages in Kurzius et al, as seen in Tracey et al, as an efficient manner of tracking the status of the job posting process.

As per claim 20, Kurzius et al disclose a computer-implemented method for ordering workers for a client (system 10 for automated candidate recruiting and

processing, figure 1), comprising: receiving an order request including criteria identifying qualifications for a worker (job posting, including candidate qualifications is received from employer 1304, figure 13), comprising generating a display screen including a selectable template identifying predetermined qualification criteria of a worker (i.e., job posting form 1800, used to specify desired candidate qualifications, figure 18); prompting the client to complete the order request using the selectable template; and including in the order request the predetermined qualification criteria included in the selectable template (i.e., job posting form is presented to the employer for entry of job description 1302, column 14, lines 57-59), selecting from a database, based on the qualification criteria included in the received order request, a particular supplier; and notifying the particular supplier of the order request (i.e., recruiter is notified based upon the qualifications of a particular candidate, column 14, lines 28-31), notifying a supplier of the order request (i.e., recruiter is notified that a new job posting has been entered 1308, figure 13); receiving at least one candidate submission from the notified supplier, including information identifying a suggested worker intended to satisfy the order request (i.e., candidate profiles that match job criteria, 1312, figure 13); forwarding information corresponding to the candidate submission to the client for review (employer informed of the ranked matchings 1314, column 15, lines 51-56); wherein forwarding includes notifying the client of the suggested worker by automatically generating and sending an electronic mail message to the client (i.e., employer informed of the ranked matching depending on the notification scheme that has been selected, including e-mail,

column 15, lines 51-56 and column 5, lines 28-32), receiving from the client a candidate approval associated with the suggested worker (i.e., candidate profile is updated with indicated interest or feedback 1110, figure 11); and notifying the supplier of the candidate approval (i.e., recruiter is notified that interest has been indicated by employer, 1112, figure 11), determining the current stage of the order request (i.e., which step of the process the job posting is currently at, figure 13), and generating a second display screen including a listing of order requests associated with a particular user (i.e., the employer database and job posting database are updated to reflect the addition of a new job posting 1306, figure 13); and associating with each order request listed in the second display screen the corresponding status display component (i.e., which step of the process the job posting is currently at, figure 13).

Kurzius et al does not disclose generating a first display screen including status display components associated with each stage of the order request, wherein the status display components correspond to a series of bars equal to the number of stages, the method further comprising: highlighting the number of bars corresponding to the current stage; and modifying each status display component to reflect the current stage of the order request, and generating a display screen providing a summary of action taken on the order request during each processing stage, wherein the display screen displays, for each processing stage.

Tracey et al disclose managers able to graphically determine who is responsible for a project at any stage and the system displaying status information derived from

a database and updated as work is performed (column 3, lines 1-6). Further, Tracey et al disclose a display generator that creates colored bars or other visually identifiable symbols on a display screen that symbolizes output and status. In addition, Tracey et al disclose applications for the features described in a variety of workflow contexts, including tracking and managing of tasks (column 5, lines 49-56), therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to include a status display components correspond to a series of bars equal to the number of stages in Kurzius et al, as seen in Tracey et al, as an efficient manner of tracking the status of the job posting process.

As per claim 21, Kurzius et al disclose displaying at least one of an order request associated with the supplier (i.e., recruiter version of the job posting review template 126, column 7, lines 38-47), a time taken for the supplier to respond to the order request, and a number of candidates the supplier has provided in fulfillment of the order request.

Claim 37 is rejected based upon the same rationale as the rejections of claims 9 and 22.

9. Claims 10, 11, and 25-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kurzius et al, in view of Nadkarni (USPN 6,266,659), in further view of Tracey et al (USPN 6,798,413).

As per claim 10, Kurzius et al disclose computer-implemented method for ordering workers (system 10 for automated candidate recruiting and processing,

figure 1), comprising: wherein the order request is processed in a number of stages (i.e., process by which new postings can be created and registered by an employer, column 14, lines 55-56); receiving at least one candidate submission from the notified select group of suppliers, including information identifying a suggested worker intended to satisfy the order request (i.e., candidate profiles, added and deleted by recruiter in database server 30, that match the job criteria 1312, column 12, lines 63-67, figure 13); and notifying a client associated with the order request of the candidate submission (i.e., employer is informed of ranked matching 1314, figure 13).

Kurzius et al does not explicitly disclose determining, from a set of suppliers, a select group of suppliers capable of satisfying an order request based on stored information associated with the set of suppliers, the stored information including at least an identification of types of workers associated with each supplier; notifying each supplier in the select group of suppliers about the order request. Nadkarni discloses the employer search restricted to select groups of vendors, based on preferred qualifications (column 5, lines 56-60), wherein information about candidates associated with the vendor are stored in a database in step 307 (column 6, lines 60-66).

Neither Kurzius et al nor Nadkarni disclose displaying a summary of action taken on the order request during each processing stage. Tracey et al disclose managers able to graphically determine who is responsible for a project at any stage and the system displaying status information derived from a database and updated as work

is performed (column 3, lines 1-6). Further, Tracey et al disclose applications for the features described in a variety of workflow contexts, including tracking and managing of tasks (column 5, lines 49-56). In addition, both Kurzius et al and Nadkarni are concerned with effective recruitment of potential candidates, therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to include determining a select group of suppliers capable of satisfying an order request based on stored information associated with the set of suppliers, and a summary report display component in Kurzius et al, as seen in Nadkarni and Tracey et al, respectively, as an efficient manner of determining capable suppliers and tracking the status of the job posting process.

Claim 11 is rejected based upon the same rationale as the rejection of claim 10, since it is the computer program claim corresponding to the method claim.

As per claims 25 and 28, Kurzius et al disclose determining the current stage of the order request (i.e., which step of the process the job posting is currently at, figure 13). Neither Kurzius et al nor Nadkarni disclose generating a first display screen including status display components associated with each stage of the order request; and modifying each status display component to reflect the current stage of the order request. Tracey et al disclose managers able to graphically determine who is responsible for a project at any stage and the system displaying status information derived from a database and updated as work is performed (column 3, lines 1-6). Further, Tracey et al disclose applications for the features described in a variety of workflow contexts, including tracking and managing of tasks (column 5, lines 49-56),

therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to include a status display components associated with each stage of the order request; and modifying each status display component in Kurzius et al, as seen in Tracey et al, as an efficient manner of tracking the status of the job posting process.

As per claims 26 and 29, neither Kurzius et al nor Nadkarni disclose the status display components correspond to a series of bars equal to the number of stages, the method further comprising: highlighting the number of bars corresponding to the current stage. Tracey et al disclose managers able to graphically determine who is responsible for a project at any stage and the system displaying status information derived from a database and updated as work is performed (column 3, lines 1-6). Further, Tracey et al disclose a display generator that creates colored bars or other visually identifiable symbols on a display screen that symbolizes output and status (column 6, lines 47-49). In addition, Tracey et al disclose applications for the features described in a variety of workflow contexts, including tracking and managing of tasks (column 5, lines 49-56), therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to include a status display components correspond to a series of bars equal to the number of stages in Kurzius et al, as seen in Tracey et al, as an efficient manner of tracking the status of the job posting process.

As per claims 27 and 30, Kurzius et al does not explicitly disclose wherein the display screen displays, for each processing stage, text of an electronic mail sent to

a user associated with the order request. However, Kurzius discloses a variety of communication and notification methods, including electronic mail (column 14, lines 28-32). In addition, Tracey et al disclose managers able to graphically determine who is responsible for a project at any stage and the system displaying status information derived from a database and updated as work is performed (column 3, lines 1-6). Further, Tracey et al disclose applications for the features described in a variety of workflow contexts, including tracking and managing of tasks (column 5, lines 49-56), therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to include a status display components correspond to a series of bars equal to the number of stages in Kurzius et al, as seen in Tracey et al, as an efficient manner of tracking the status of the job posting process.

Response to Arguments

10. In the Remarks, Applicant argues that neither Kurzius, Kenyon, nor Nadkarni teach all the elements in amended, independent claims 1, 9, 12, and 17, as well as dependent claims 6-8. These arguments are rendered moot based upon the new grounds of rejection.

Conclusion

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andre Boyce whose telephone number is (571) 272-6726. The examiner can normally be reached on 9:30-6pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


adb
September 14, 2005


SUSANNA M. DIAZ
PRIMARY EXAMINER

AU 3623